

REMARKS

I. Status of Claims

Claims 1-3 and 5-8 are pending in the application. Claims 1 and 8 are independent. Claim 4 was previously canceled.

Claims 1, and 5-8¹ are rejected under 35 U.S.C. 102(b) as allegedly being clearly anticipated by Vergeer et al. (USP 4,813,233) (“Vergeer”).

Claims 2 and 3 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The Applicant respectfully requests reconsideration of the rejections in view of the following remarks.

II. Allowable Subject Matter

Claims 2 and 3 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

III. Pending Claims

Claims 1, and 5-8 are rejected under 35 U.S.C. 102(b) as allegedly being clearly anticipated by Vergeer.

The Applicant respectfully submits that claim 1 is patentable over Vergeer at least because it recites, *inter alia*, “...wherein the regeneration control section suspends the heating control when the determining section determines that the vehicle is driving downhill...” and “...wherein the regeneration control section suspends the heating control only when the determining section continuously determines for a predetermined period that the vehicle is driving downhill.”

The Applicant respectfully submits that claim 8 is patentable over Vergeer at least

¹ Although the Office Action lists claims 1 and 5-7, it appears the Examiner intended to state claims 1 and 5-8.

because it recites, *inter alia*, "...suspending the supply of fuel to the exhaust purification catalyst when the vehicle is determined to be driving downhill..." and "...wherein the supply of fuel to the exhaust purification catalyst is suspended only when the vehicle is continuously determined for a predetermined period to be driving downhill."

The Applicant respectfully submits that one of the features of the inventions of claims 1 and 8 is that the heating control is suspended only when the determining section continuously determines for a predetermined period that the vehicle is driving downhill. That is, the fuel supply to the exhaust purification catalyst is stopped when the vehicle remains in a certain operating condition for a predetermined period of time.

The Applicant respectfully submits that Vergeer fails to disclose or suggest such a feature. Instead, Vergeer discloses nozzles 96 for supplying fuel to the upstream of the filters 100 and 102 (*See* Fig. 3) and a nozzle 130 for supplying fuel to the upstream of the filter 116 (*See* Fig. 4). The fuel supply from the nozzles 96 and 130 (i.e., supplemental fuel supply) is stopped when the vehicle is in a certain operating condition such as the engine being operating at idle, low load, or full load conditions (*See* lines 5 to 9 of column 8, lines 1 to 27 of column 10, and claim 4). However, it is respectfully submitted that Vergeer does not disclose or suggest that the supplemental fuel supply is stopped only when the vehicle remains in such a certain operating state for a predetermined period of time as required by the inventions of claims 1 and 8.

Thus, the Applicant respectfully submits that Vergeer does not anticipate the Applicant's claims. Further, the Applicant respectfully submits that none of the other references cited identify a reason for modifying Vergeer in the manner as claimed by the Applicant in the inventions claims 1 and 8. The Applicant respectfully submits that, as discussed in *KSR Int'l Co. v. Teleflex, et al.*, No. 04-1350, (U.S. Apr. 30, 2007), it remains necessary to identify the reason why a person of ordinary skill in the art would have been prompted to combine alleged prior art elements in the manner as claimed by the Applicant. Accordingly, claims 1 and 8 are not rendered obvious by Vergeer in view of the cited references.

The Applicant respectfully submits that, for at least these reasons, claims 1 and 8, as well as their dependent claims, are patentable over the cited references.

IV. Conclusion

The Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is respectfully requested.

The Examiner is invited to contact the undersigned at (202) 220-4420 to discuss any matter concerning this application.

Applicants do not believe that any additional fees are required in connection with this submission. Nonetheless, Applicants authorize payment of any additional fees under 37 CFR §§ 1.16 or 1.17 or credit any overpayment to Deposit Account No. 11-0600.

Respectfully submitted,

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